

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA

DAVID HILL

vs

CIV. NO. 1:04-CV-1249

UNITED STATES OF AMERICA

MOTION FOR DISCOVERY

COMES NOW, DAVID HILL, pursuant to  
RULE 6(a) OF THE RULES GOVERNING  
PROCEEDING, REQUEST THIS COURT TO AUTHOR-  
IZE DISCOVERY BASED ON THE CLAIMS  
PERMITTED IN THE POST-JUDGMENT MOTION  
TO AMEND THE 2255 AND PROPOSED AMENDED  
2255 AND ORDER DISCLOSURE OF THE DOCU-  
MENTS ATTACHED IN OR, THE DOONE D.  
KESSIS, PH.D. REQUEST.



## STATEMENT OF FACTS

On November 10, 2022, Hill filed a Post-Judgment Motion to Amend the 2255 Motion and a Proposed Amended 2255 Motion raising (1) claims surrounding the DNA evidence. See Perkin's Petition. Mr. Hill then hired a second DNA expert Dr. Theodore D. Kessis, Ph.D. See Retainer. Dr. Kessis has submitted a list of requested materials in support of the claims in the Perkin's Amended 2255. See attached request, Exhibit 20.


## Argument

Under R. GOVERNING 2255 CASES U.S. DIST. CTs. 6(a), A DISTRICT COURT MAY AUTHORIZE DISCOVERY UPON A SHOWING OF GOOD CAUSE BY A PETITIONER. GOOD CAUSE WILL EXIST WHEN SPECIFIC ALLEGATIONS BEFORE THE COURT SHOW REASON TO BELIEVE THAT THE PETITIONER MAY, IF THE FACTS ARE FULLY DEVELOPED, BE ABLE TO DEMONSTRATE THAT HE IS ENTITLED TO RELIEF. SEE JUNIPER V. ZOOK, 876 F.3d 551, 573 n.9. (4TH CIR. 2017).

THE COURT SHOULD CONSIDER THE WITHHELD EXCULPATORY AND IMPEACHMENT EVIDENCE PRODUCED BY THE FBI, THE CLAIMS RAISED IN THE AMENDED 2255 MOTION, DR. CHRISTOPHER BIRN, PH.D AFFIDAVIT TO WARRANT AUTHORIZING DISCOVERY OF THE REQUESTED MATERIALS MADE BY DR. THEODORE D. KESSIS, PH.D.

## CONCLUSION


FOR THESE REASONS, THE COURT SHOULD GRANT AUTHORIZATION FOR DISCOVERY ON THE BATTERY AND NARPE CLAIMS RAISED IN THE AMENDED 2055 AND RELEASE THE REQUESTED MATERIALS MADE by DR. TATEO-ALONE D. KESSIS, PH.D.

RESPECTFULLY SUBMITTED  


DATED: March 30, 2023 DAVID HILL 12585-007  
U.S.F. FLORENCE-MAX  
P.O. BOX. 8500  
FLORENCE, CO. 81826

## CERTIFICATE OF SERVICE

A COPY HAS BEEN MAILED TO STEVEN D. MELLEN, U.S. ATTORNEY'S OFFICE, 2100 JAMIESON AVE. ALEXANDRIA, VA. 22314  
THIS March 30, 2023

  
DAVID HILL #12585-007  
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